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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/808,686 03/15/01 WATSON

J 21046-PA

QM12/1002
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EXAMINER

| | |
|-----------|--------------|
| DEXTER, C | |
| ART UNIT | PAPER NUMBER |

3724

DATE MAILED:

10/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | |
|------------------------------|--------------------------------------|-------------------------------|
| Office Action Summary | Application No. 09/808,686 | Applicant(s) Watson |
| | Examiner Clark F. Dexter | Art Unit 3724 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Jul 31, 2001
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) 6-13 and 15 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 and 14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
- 18) Interview Summary (PTO-413) Paper No(s). _____
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: _____

Art Unit: 3724

DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of Group I (claims 1-6 and 14) in the response filed July 31, 2001 (paper no. 6) is acknowledged. Further, applicant elected species IA which reads on claims 1-5 and 14. Therefore, claims 1-5 and 14 will be examined. Claims 6-13 and 15 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species.

Information Disclosure Statement

2. The information disclosure statement filed March 15, 2001 (paper no. 2) has been received and the references listed thereon have been considered.

Drawings

3. The drawings are objected to because of the following informalities.

In Figure 1, a numeral should be added to indicate each of the scales.

In Figure 3, numeral 28 is inaccurate, and it should be relocated so as to indicate the horizontally extending portion; numerals 36 and 36' are inaccurate and should be reversed (i.e., 36 changed to 36', and 36' changed to 36).

Art Unit: 3724

In Figure 4, numeral 36' is inaccurate and should be changed to --36"--; numeral 34 should be added to the left side for clarity; and a vertical line should be added near the right-most end of the work holding member to indicate the beveled portion (shown in Figure 5).

In Figure 10, each occurrence of the lead line for numeral 40 is inaccurate and should be extended to indicate the plate which is connected to the support means 38.

In Figures 11 and 16, a numeral (e.g., 46a) should be added to indicate the handle portion of rod 46.

Figures 20-22 are each used twice to represent two different figures (i.e., one drawing page includes Figures 20-22 and the next drawing page includes Figures 20-24), and it appears that the first occurrence of each Figure (i.e., the first drawing page) is directed to another invention and should be canceled.

The second occurrence of Figures 21 and 22 (i.e., on the second drawing page) appear to be labeled backwards, and it seems that they should be reversed (i.e., Figure 21 should be changed to Figure ²²2, and Figure 22 should be changed to Figure 21).

Appropriate correction is required.

Abstract

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the

Art Unit: 3724

printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because of the use of "means" in lines 2, 3, 5 and 6. Correction is required. See MPEP § 608.01(b).

Specification

6. The disclosure is objected to because of the following informalities:

On page 1, lines 3-4, a serial number or publication number should be provided for the disclosure document discussed herein.

On page 7, line 6, the reference to only Figures 3-4 is unclear and appears to be inaccurate, and it seems that "3-4" should be changed to -- 3-5 -- or the like; also in line 6, "20" is incorrect and should be changed to --26-- or the like; in line 13, "30" is incorrect and should be changed to --36--.

On page 8, line 7, a numeral or --(not shown)-- should be inserted after "index" for clarity; in line 8, "base 26" is incorrect and should be changed to --base 28--; also in line 8, a numeral should be inserted after "indices" for clarity; in line 11, "22" is incorrect and should be changed to --32--; in line 13, "14" is incorrect and should read --18--.

Art Unit: 3724

On page 9, line 5, both occurrences of “46” are incorrect and should be changed to --48--; in line 8, --46a-- should be inserted after “end” or the like or clarity; in line 12, a numeral or --(not shown)-- should be inserted after “scale” for clarity; in line 15, --(not shown)-- should be inserted after “switch”, and --46a-- should be inserted after “handle”.

On page 10, lines 6 and 7, each occurrence of “38” is incorrect and should be changed to --48--; in line 11, a numeral or --(not shown)-- should be inserted after “slits”; in line 14, “58” appears to be inaccurate since it is shown in the Figures as indicating the hose, and it seems that this occurrence of “58” should be deleted; in lines 16 and 17, it seems that --58-- should be inserted after “hose” for clarity.

On page 11, line 12, --46a-- should be inserted after “handle”; in line 16, --46a-- should be inserted after “handle”; in line 20, “to” should be changed to --46a of-- for clarity.

On page 12, line 1, --(not shown)-- should be inserted after “embodiment” for clarity; in line 19, “swivel design” is unclear as to what it refers, particularly since the rails 38 do not appear to have a swivel design.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. Claims 1-5 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3724

In claim 1, lines 16-18, the recitation “wherein a workpiece disposed ... to the elongated opening” renders the claim vague and indefinite since it appears that the workpiece, which is not part of the claimed invention, is being positively set forth as part of the claimed invention, and it is suggested in line 16 to change “wherein” to --whereby--, and in line 17 to change “is” to --will be-- or the like for clarity.

In claim 2, line 1, “a rod” renders the claims vague and indefinite as to what is being set forth, and particularly as to the relationship between this rod and the “means to move the electrically-powered motor” set forth in claim 1.

In claim 3, lines 1-2, “means to move the cutting means ...” is vague and indefinite as to what disclosed structure it refers; in lines 3-4, the recitation “wherein the workpiece extending ... workpiece is beveled” renders the claim vague and indefinite since it appears that the workpiece, which is not part of the claimed invention, is being positively set forth as part of the claimed invention, and it is suggested in line 3 to change “wherein” to --whereby--, and to change “is” to --will be-- or the like for clarity.

In claim 14, lines 9-11, the recitation “the workpiece being supported ... is intended” renders the claim vague and indefinite since it appears that the workpiece, which is not part of the claimed invention, is being positively set forth as part of the claimed invention, and it is suggested in line 9 to insert --whereby-- after the comma “,”, and in line 10 to change each occurrence of “being” to --will be-- or the like for clarity.

Art Unit: 3724

Prior Art

8. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cfd
October 1, 2001